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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

LORI SPANO, SHANNON MASSEY, and
CHARLES BURR,

Case No. CV 01-1464 BR

Plaintiffs,

CLASS ACTION ALLEGATION

v.

**PLAINTIFFS' SIXTH AMENDED
COMPLAINT FOR VIOLATION OF
FAIR CREDIT REPORTING ACT**

SAFECO INSURANCE COMPANY OF
AMERICA, SAFECO INSURANCE
COMPANY OF OREGON, AND
AMERICAN STATES PREFERRED
INSURANCE COMPANY,

Defendants.

SUMMARY AND OVERVIEW

1. This is a class action on behalf of all purchasers of personal lines of insurance from Safeco Insurance Company of Oregon ("Safeco Oregon") and American States Preferred

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Insurance Company (“American States”) from January, 2000 to July 1, 2003 (the “Class Period”), who would have received a lower rate for their insurance had the information in their credit reports been more favorable.

2. Defendants sold personal lines of insurance in Oregon and in other states.

3. Since at least January, 2000, defendants have used information contained in consumer reports when underwriting policies for personal lines of insurance. Defendants have taken adverse actions with respect to plaintiffs and those similarly situated based on this information, but failed to provide the notification of the adverse action as required by the Fair Credit Reporting Act, 15 U.S.C. §1681.

JURISDICTION AND VENUE

4. Jurisdiction is conferred by 15 U.S.C. §1681. The claims asserted herein arise under 15 U.S.C. §1681.

5. Venue is proper in this District pursuant to 15 U.S.C. §1681. Defendants do business in this District and many of the insurance policies involved in this case were issued in this District.

BACKGROUND TO THE CLASS PERIOD

6. Based on information and belief, at least by January, 2000, defendants began using consumer report information to underwrite insurance policies for personal lines of insurance, and did not provide the notices of adverse action required by 15 U.S.C. §1681.

FIRST CLAIM FOR RELIEF For Violation of 15 U.S.C. §1681

7. Plaintiffs incorporate paragraphs 1 through 6 by reference.

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8. Plaintiffs Lori Spano, Shannon Massey and Charles Burr, and all others similarly situated, purchased insurance policies for personal lines of insurance from defendants during the Class Period. Defendants took an adverse action with respect to underwriting the policies of Ms. Spano, Ms. Massey and Mr. Burr, and all others similarly situated, based on information contained in a consumer report.

9. 15 U.S.C. §1681(m) requires users of consumer reports to provide oral, written or electronic notice of any adverse action taken with respect to any consumer that is based in whole or in part on information obtained in a consumer report.

10. Defendants willfully failed to notify plaintiffs, and all others similarly situated, of the adverse action.

11. 15 U.S.C. §1681(n) provides that any person who willfully fails to comply with any requirement imposed under §1681(n) is liable to the consumer for damages of not less than \$100 and not more than \$1,000. Accordingly, plaintiffs, and all those similarly situated, are entitled to recover statutory damages.

12. 15 U.S.C. §1681(n) provides that the cost of the action together with reasonable attorney fees as determined by the court are also recoverable by the plaintiffs, and all others similarly situated.

CLASS ACTION ALLEGATIONS

13. Plaintiffs bring this action as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure on behalf of all persons described in paragraph 1.

14. The members of the Class are so numerous that joinder of all members is impracticable. During the Class Period, defendants issued hundreds of policies. The disposition of their claims in a class action will provide substantial benefits to the parties and the Court.

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15. There is a well-defined community of interest in the questions of law and fact involved in this case. Questions of law and fact common to the members of the Class which predominate over questions which may affect individual Class members include:

(a) Whether the underwriting practices of defendants constitute adverse actions under the Fair Credit Reporting Act;

(b) Whether 15 U.S.C. §1681 was violated by defendants;

(c) Whether the alleged violations of 15 U.S.C. §1681 were willful.

16. Plaintiffs' claims are typical of those of the Class because plaintiffs and the Class failed to receive notification of the alleged adverse actions as required by the Fair Credit Reporting Act.

17. Plaintiffs will adequately protect the interests of the Class and has retained counsel who are experienced in class action securities litigation. Plaintiffs have no interests which conflict with those of the Class.

18. A class action is superior to other available methods for the fair and efficient adjudication of this controversy.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray for judgment as follows:

A. Declaring this action to be a proper class action pursuant to Rule 23;

B. Awarding plaintiffs and the members of the class statutory damages, attorney fees and costs; and

C. Awarding such other legal and equitable relief as the Court may deem just and proper.

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JURY DEMAND

Plaintiffs demand a trial by jury.

DATED this 28th day of August, 2006.

STOLL STOLL BERNE LOKTING & SHLACHTER P.C.

By: /s/ Steve D. Larson

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